

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO

DAVID L. BUCEY,)	CASE NO. 5:06 CV 152
)	
Plaintiff,)	JUDGE JOHN R. ADAMS
)	
v.)	
)	<u>MEMORANDUM OF OPINION</u>
JONATHAN STUMP,)	<u>AND ORDER</u>
)	
Defendant.)	

On January 23, 2006, plaintiff pro se David L. Bucey, an inmate at the Belmont Correctional Institution, filed the above-captioned action under 42 U.S.C. § 1983 against Jonathan Stump, who is identified as the Director of Correctional Health Care Group, Inc. at the Stark County, Ohio Sheriff's Office. The complaint is identical to the complaint filed by plaintiff in Case No. 5:05 CV 2197, which was summarily dismissed by Judge James S. Gwin, on October 26, 2005, on the ground that section 1983 will not support a claim based upon a theory of respondeat superior alone.

A district court is expressly required to dismiss any civil action filed by a prisoner seeking relief from a governmental officer or entity, as soon as possible after docketing, if the court concludes that the complaint fails to state a claim upon

which relief may be granted, or if the plaintiff seeks monetary relief from a defendant who is immune from such relief. 28 U.S.C. §1915A; Siller v. Dean, No. 99-5323, 2000 WL 145167 , at *2 (6th Cir. Feb. 1, 2000).

As this case is identical to plaintiff's previous action in Case No. 5:05 CV 2197, it is hereby dismissed, pursuant to §1915A as duplicative and barred by the doctrine of res judicata. The court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith.

IT IS SO ORDERED.

Date: March 13, 2006

S/John R. Adams
JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE